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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/038,242      | 12/21/2001  | Jeri L. Callaway     | COMP:0200B          | 7878             |

7590

10/12/2005

INTELLECTUAL PROPERTY ADMINISTRATION  
LEGAL DEPARTMENT, M/S 35  
P.O. 272400  
FT. COLLINS, CO 80527-2400

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| EXAMINER |
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PITARO, RYAN F

|          |              |
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| ART UNIT | PAPER NUMBER |
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2174

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/038,242

Applicant(s)

CALLAWAY ET AL.

Examiner

Ryan F. Pitaro

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-92 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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1.

**DETAILED ACTION**

2. Claims 1-92 have been examined.

***Response to Amendment***

3. This communication is filed in response to Amendment A, filed 7/28/2005. Claims 1,14,34,47,67,80 are independent, and claim 14 has been amended. This action is has been made Final.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al ("Hawkins", US 6,006,274) in view of Sheth et al ("Sheth", US 2002/0194502).

As per claim 1, Hawkins discloses method for managing a combination of family related matters and work-related matters, the method comprising the acts of: collecting personal information related to a family manager's personal life and work information related to the family manager's work life at a host computer (Column 4 lines 26-36);

communicating the personal information and the work information from the host computer to a first device dedicated to the family manager (Column 3 lines 1-10). Hawkins fails to distinctly point out communicating specific information to different devices. However, Sheth teaches communicating only the personal information from the host computer to at least one second device dedicated to at least one person in a personal sphere of the family manager ([0193] lines 1-9); and communicating only the work information from the host to at least one third device dedicated to at least one person in a work sphere of the family manager ([0193] lines 1-9). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Hawkins with the teaching of Sheth. Motivation to do so would have been to resolve conflicts while scheduling meetings and set reminders for family and work groups.

As per claim 2, which is dependent on claim 1, Hawkins-Sheth teach a method, wherein the host computer comprises a private host computer (Hawkins, Column 14 lines 26-36).

As per claim 3, which is dependent on claim 1, Hawkins-Sheth teach a method, wherein the host computer comprises a public host computer (Sheth, [0047] lines 6-12).

As per claim 4, which is dependent on claim 1, Hawkins-Sheth teach a method wherein the host computer comprises a single host computer (Hawkins, Column 3 lines 1-11).

As per claim 5, which is dependent on claim 1, Hawkins-Sheth teach a method wherein the host computer comprises at least two host computers (Hawkins, Column 4 lines 26-36).

As per claim 6, which is dependent on claim 1, Hawkins-Sheth teach a method wherein the devices comprise e-mail capability (Sheth, [0195], lines 1-11).

As per claim 7, which is dependent on claim 1, Hawkins-Sheth teach a method wherein the devices comprise calendaring capability (Sheth, [0194] lines 1-4).

As per claim 8, which is dependent on claim 7, Hawkins-Sheth teach a method wherein the first device comprises at least one calendar corresponding to the merger of personal information and work information comprising at least one of a daily merged calendar, a weekly merged calendar, and a monthly merged calendar (Sheth, [0194] lines 1-4, [0195] lines 1-11).

As per claim 9, which is dependent on claim 7, Hawkins-Sheth teach a method wherein the second device comprises at least one calendar corresponding to the merger of personal information and work information comprising at least one of a daily merged calendar, a weekly merged calendar, and a monthly merged calendar (Sheth, [0194] lines 1-4, [0195] lines 1-11).

As per claim 10, which is dependent on claim 7, Hawkins-Sheth teach a method wherein the third device comprises at least one calendar corresponding to the merger of personal information and work information comprising at least one of a daily merged calendar, a weekly merged calendar, and a monthly merged calendar (Sheth, [0194] lines 1-4, [0195] lines 1-11).

As per claim 11, which is dependent on claim 1, Hawkins-Sheth teach a method wherein the devices comprise computing capability (Hawkins, Column 3 lines 1-10).

As per claim 12, which is dependent on claim 1, Hawkins-Sheth teach a method wherein at least one of the devices comprise a personal digital assistant (Hawkins, Figure 1 item 130).

As per claim 13, which is dependent on claim 1, Hawkins-Sheth teach a method wherein the acts of communicating are performed via an Internet link (Sheth, [0096] lines 1-11).

Claims 14,34,47,67,80,are individually similar in scope to that of claim 1, and are therefore rejected under similar rationale.

Claims 15,35,48,68,81 are individually similar in scope to that of claim 2, and are therefore rejected under similar rationale.

Claims 16,36,49,69,82 are individually similar in scope to that of claim 3, and are therefore rejected under similar rationale.

Claims 17,19, 37,50,52,70,83 are individually similar in scope to that of claim 4, and are therefore rejected under similar rationale.

Claims 18,20,38,51,53,71,84 are individually similar in scope to that of claim 5, and are therefore rejected under similar rationale.

As per claim 21, which is dependent on claim 14, Hawkins-Sheth disclose a method wherein the first host computer and the second host computer comprise the same computer (Hawkins, Column 3 lines 1-11).

As per claim 22, which is dependent on claim 14, Hawkins-Sheth disclose a method, wherein the first host computer and the second host computer comprise different computers (Hawkins, Column 4 lines 26-35).

Claims 23,39,56,72,85 are individually similar in scope to that of claim 6, and are therefore rejected under similar rationale.

Claims 24,40,57,73,86 are individually similar in scope to that of claim 7, and are therefore rejected under similar rationale.

Claims 25-30,41-43,58-63,74-76,87-89 are individually similar in scope to that of claim 8, and are therefore rejected under similar rationale.

Claims 31,44,64,77,90 are individually similar in scope to that of claim 11, and are therefore rejected under similar rationale.

Claims 32,45,65,78,91 are individually similar in scope to that of claim 12, and are therefore rejected under similar rationale.

Claims 33,46,66,79,92 are individually similar in scope to that of claim 13, and are therefore rejected under similar rationale.

Claim 54 is similar in scope to that of claim 21, and is therefore rejected under similar rationale.

Claim 55 is similar in scope to that of claim 22, and is therefore rejected under similar rationale.

### ***Response to Arguments***

The affidavit filed on 7/28/2005 under 37 CFR 1.131 has been considered but is

ineffective to overcome the Sheth et al reference.

MPEP Section 705.03 states that:

The following parties may make an affidavit or declaration under 37 CFR 1.131:

- (A) All the inventors of the subject matter claimed.
- (B) An affidavit or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection. For example, one of two joint inventors is accepted where it is shown that one of the joint inventors is the sole inventor of the claim or claims under rejection.
- (C) \*\*> If a petition under 37 CFR 1.47 was granted or the application was accepted under 37 CFR 1.42 or 1.43, the affidavit or declaration may be signed by the 37 CFR 1.47 applicant or the legal representative, where appropriate.< .
- (D) The assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor. Ex parte Foster, 1903 C.D. 213, 105 O.G. 261 (Comm'r Pat. 1903).

In this case, the Attorney of record, and only one Inventor made the affidavit with no explanation to why the all of the Inventors did not make one.

This is not an exhaustive list of deficiencies with the affidavit. The Examiner invites the Applicant to review section 715 of the MPEP for further insight of affidavit practice.



### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Monday-Thursday, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro  
Art Unit 214  
Patent Examiner

RFP

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